

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE EL PASO MUNICIPAL CODE BY ADDING CHAPTER 2.102 (NEIGHBORHOOD ASSOCIATION RECOGNITION); AMENDING TITLE 20 (ZONING) OF THE EL PASO MUNICIPAL CODE BY AMENDING CHAPTER 20.04 (ADMINISTRATIVE PROVISIONS) SECTION 20.04.520 (NOTICE-METHOD) TO ADD SUBSECTION 20.04.520.B.5 AND SECTION 20.04.390 (BASIC DATA PACKAGE—CONTENTS) TO ADD SUBSECTION 20.04.390.F. THE PENALTY IS AS PROVIDED IN 20.68.

WHEREAS, the municipal regulations of the City of El Paso have been established for the purpose of promoting the health, safety, morals and general welfare of its citizens;

WHEREAS, a neighborhood planning focus was initiated in August of 2002 with the adoption of the Neighborhoods Matter! Program, an initiative administered in the Planning, Research, and Development Department;

WHEREAS, The Plan for El Paso (City of El Paso Comprehensive Plan) recommends that the City address neighborhood concerns about protection of neighborhood character by guiding its changes and preventing incompatible construction;

WHEREAS, communication should be fostered between neighborhood associations and city government on plans, proposals, and activities affecting their area;

WHEREAS, recommended changes herein are consistent and in harmony with the Neighborhoods First Neighborhood Association Development Initiative, a mayoral program intended to further complement the Neighborhoods Matter! program;

WHEREAS, the Development Coordinating Committee and City Plan Commission recommend certain changes to Title 2 and Title 20 to ensure reasonable levels of communication between the City of El Paso and various neighborhood associations located therein with regard to pending land use applications; and

WHEREAS, the El Paso City Council finds that the amendments to Title 2 and Title 20 as herein provided will have no negative impact upon the public health, safety, morals, and general welfare of the City, and that the zoning

regulations as amended will carry out the purpose and spirit of the policies expressed in *The Plan for El Paso*,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Title Two shall be amended to add Chapter 2.102 to be entitled Neighborhood Association Recognition, to read as follows:

2.102.10 Purpose.

The El Paso City Council has found that early identification and resolution of potential conflicts involving neighborhoods, their residents, and the private sector can be of utmost value to all concerned. The purpose of a neighborhood association recognition program is to provide a standardized recognition policy for El Paso neighborhood associations that will improve communications between those associations and city government. Due to the potential impact of new development and redevelopment upon neighborhoods, it can be useful for land use and development applicants to provide information on submitted application proposals to neighborhood associations.

2.102.020 Definitions.

A. Recognized Neighborhood Association means any organized group of fifteen or more dwelling units, business entities, or combination thereof that own or occupy real property within a specified geographic area of the City. To be a recognized neighborhood association (hereinafter "RNA"), no member necessary for formation of the geographic boundary of the RNA shall be located more than 1/8 mile from at least one other member of the proposed RNA necessary for formation of the geographic boundary of the RNA, except that Civic Associations otherwise meeting RNA requirements but not requirements as to distance between members shall be deemed an RNA for purposes of this ordinance except that they shall receive notice of applications for their planning area, or smaller portion thereof if they so choose.. Existing RNA's as well as any group of fifteen or more dwelling units, business entities, or combination thereof that wishes to become an RNA must

comply with 2.102.030 and 2.102.040. A recognized neighborhood association shall have at least three officers.

B. Geographic Area means the land area provided by an RNA, the outermost boundaries of which may extend no further than $\frac{1}{4}$ mile east and west of the most easterly and westerly located RNA members and no further than $\frac{1}{4}$ mile north and south of the most northerly and southerly located RNA members, such member locations shown by the boundary formed by connecting the outermost members of the RNA which are no further than $\frac{1}{8}^{\text{th}}$ mile from one another. Geographic Area is synonymous with geographic boundary.

C. Applications mean requests for zoning changes, requests for a release of a zoning contract condition, or requests for special permits.

D. Civic Associations means any organized group of 100 or more individuals or entities that own, reside, or have a place of business in one of the five planning areas designated as such in *The Plan for El Paso*. The geographic boundary of a civic association shall be the planning area where a majority of members are located except that civic associations with at least 250 members located in more than one planning area may request that their geographic boundary be comprised of two planning areas.

E. Member means each of the dwelling units or business entities that coordinate pursuant to this ordinance to form a recognized neighborhood association in compliance with association bylaws. Fifteen members each no further than $\frac{1}{8}^{\text{th}}$ mile from another member are necessary for formation of a recognized neighborhood association. No dwelling unit or business entity shall be an officer of more than one recognized neighborhood association. Any dwelling unit or entity can be a member of a recognized neighborhood association if allowed pursuant to association bylaws and provided equal voting rights with other members. However, should such dwelling unit or entity not reside within $\frac{1}{8}$ mile of another member within the RNA's geographic boundary, such member will not be considered in formation of the geographic boundary.

2.102.030 Criteria For Acknowledgment as a Recognized Neighborhood Association. A neighborhood association shall be designated an RNA by the

Neighborhood Initiatives Liaison (hereinafter "NIL") upon a finding of compliance with all 2.102.030 requirements set forth below and shall continue as an RNA as long as such requirements and those provided pursuant to 2.102.040 are maintained.

A. The RNA shall create and utilize bylaws and shall file a current copy with the NIL. The bylaws shall include the following provisions:

1. Full membership in the RNA shall be open to all individuals or entities owning, residing or with a permanent business location within the geographic boundaries.

2. The RNA shall hold at least one meeting per year for which it makes a reasonable attempt to give written notice to every household and place of business within the RNA's boundaries irregardless of membership status. Written notice may be provided by mail, electronic mail, delivered handbills, or the posting of a number of prominent signs within the boundaries of the RNA. No election shall be held at a meeting of an RNA unless the meeting is so advertised. If posting of signs is used for notice, such signs shall be of a minimum number, size, and type as determined by the NIL and shall otherwise comply with the City of El Paso sign ordinance.

3. Bylaws shall not discriminate on the basis of race, color, religion, sex, familial status, or national origin. Bylaws shall additionally and otherwise conform to the Constitution and laws of the United States and State of Texas. Any stated purpose or primary objective of the proposed RNA shall be reasonably related to land use and development and community and neighborhood issues as determined by the NIL with appeal to City Council.

B. RNA Officers shall submit an annual report to the NIL detailing membership numbers, whether incorporated pursuant to the Texas Property Code, contact information for all board members, a revised map of membership boundaries if necessary, and other similar information as may be deemed necessary from time to time by the NIL. An annual report shall be due each year on the anniversary of initial recognition as an RNA.

C. The NIL will forward a notice of noncompliance to any RNA failing to comply with any requirements set forth in this chapter. An RNA shall have 60 days from the date notice is sent to come into compliance and provide satisfactory proof of such compliance to the NIL. Should an RNA fail to provide such proof, it will be removed from the list of RNA's immediately upon the expiration of such time.

D. Each RNA shall complete a Neighborhoods First neighborhood association registration form.

2.102.040. Responsibilities of Recognized Neighborhood Associations.
RNA's shall:

A. By interaction with their members, other residents within their geographical boundaries, other RNA's, and the City, strive to uphold good land use practices.

B. Strive to provide actual or constructive notice to members and other eligible participants in their neighborhood of planning and land use issues that they receive notice from the NIL on, and that will affect their area.

C. Establish, and utilize an orderly and democratic means for making representative decisions.

D. Establish and follow a defined method for reporting to the NIL actions that accurately reflect the RNA's position. When an RNA presents its official position on an issue to the City, it shall concurrently state whether the decision was reached by its board, a poll of the general membership, or by a vote at a general membership meeting, and the vote for and against the position.

E. Comply with adopted bylaws, any rules governing the RNA, and this chapter.

F. Notify the NIL and the applicable City Council Representative of their annual general membership meeting at least four weeks in advance, or immediately if notification of such meeting was provided to members less than four weeks prior to the meeting.

G. Provide contact information for two RNA representatives for purposes of notice. The RNA shall update contact information immediately when a change in

representation requires such change. Notice to either or both such contact persons by the NIL will be sufficient for NIL compliance with notice requirements.

2.102.050. Responsibilities of the City Neighborhood Initiatives Liaison.

The NIL is an employee as designated by the City of El Paso and shall:

A. provide notice to one or more designated RNA contact persons regarding applications received in the Planning, Research, and Development Department that cover areas within the RNA's geographic boundary. Notification to an RNA shall be sent at the time a date for the first public hearing is set. The NIL shall provide additional notification via telephone, mail, email, or fax concerning all subsequent public hearings concerning such applications except public hearings that have been postponed to a specific time announced at the prior hearing.

B. respond in a timely manner to an RNA request for information regarding any city project within or abutting the RNA's geographic boundaries.

C. Review applications for prospective RNA's to determine compliance with the requirements for recognition;

D. Upon demand, notify each known neighborhood association of its current recognition status;

E. Encourage individuals to cooperate with their existing RNA;

F. Encourage city officials and RNA's to develop appropriate processes for neighborhood review and comment on city plans and policies;

G. Provide each RNA with a current list of City government departments, respective department heads, and corresponding phone numbers;

H. Serve as a liaison between an RNA and other city staff;

I. Facilitate the sharing of available information with each RNA by furnishing, upon request, available information;

J. Publish and distribute a City newsletter, at least quarterly, to each RNA that provides pertinent information and increased communication for the betterment of RNA's and the City of El Paso;

K. Assist in the formation of alliances of RNA's; and

L. Furnish to the public and to city officials the names and addresses of the two designated recipients of notices as most recently specified by each RNA.

M. Advise neighborhood groups which have not achieved RNA status that they may be placed on the mailing list of the NIL to receive its newsletter and notices of neighborhood association workshops.

N. Provide applicants with no RNA's within the area of their proposed application written verification of such upon request.

2.102.060. Responsibilities of the Director of Planning, Research, and Development.

The Director of Planning, Research, and Development, or that person's assign shall:

1. Provide prospective applicants with the last known address for all RNA's that are wholly or partially within the location of the application request.
2. Provide the NIL with a copy of any new applications, including verification of applicant notice to required RNA's, at the time of distribution at the Development Coordinating Committee, as well as any other pertinent information the NIL may request from time to time.
3. Update the NIL as necessary regarding each stage of any application in process including but not limited to public hearings, etc. New stages include review before the development coordinating committee, city plan commission, and city council, to the extent applicable.

2.102.070. Responsibilities of individuals or entities submitting an application

A. As part of an application, an applicant shall provide written notice via certified mail, facsimile transmission, or personal delivery to any RNA within the area subject to the application. Such notice shall contain the following information:

1. A detailed description what is being applied for;
2. A method by which the applicant can be contacted;
3. A statement as to the application's projected impact on the land comprising the geographic boundary of the RNA.

B. Failure to provide proof of such mailing via certified mail, electronic mail (e-mail), facsimile transmission report to the most recent RNA fax number of

record, or an affidavit attesting hand delivery shall result in the application not being accepted as complete.

2.102.80. Zoning Validity

No zoning amendment otherwise properly enacted shall be invalidated as a result of failure to comply with any provision or provisions of this Neighborhood Recognition Ordinance.

2.102.90. Pre-existing Neighborhood Associations

Any neighborhood association with fifteen or more members as defined herein, in compliance with 2.102.030.A.3, and in existence as of December 15, 2003, shall, upon request, be provided RNA status and be given a geographic boundary consistent with their predetermined boundary, so long as such boundary does not encompass a land area more than 150% of the land area that would otherwise be provided pursuant to this ordinance. Such neighborhood association shall complete registration and otherwise conform to regulations set forth pursuant to this ordinance no later than January 1, 2005.

2. That Title Twenty (Zoning) shall be amended by amending section 20.04.520 (Notice—Method) to add 20.04.520.B.5 to read as follows:

5. On applications for zoning change, release of contract conditions, and special permit, applicant shall provide notice to any recognized neighborhood association designated as such pursuant to 2.102, as is required by 2.102.070. Failure to comply will result in application not being accepted as complete.

3. That Title Twenty (Zoning) shall be amended by amending section 20.04.390 (Basic data package—Contents) to add subsection 20.04.390.F to read as follows:

F. Proof of notice of proposed application to any recognized neighborhood association required to receive notice pursuant to 2.102 of the City of El Paso municipal code.

Except as expressly amended herein, the City of El Paso municipal code shall remain in full force and effect.

APPROVED this ___th day of ____, **2003**.

THE CITY OF EL PASO, TEXAS

ATTEST:

Joe Wardy
Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Matt Watson
Assistant City Attorney

Patricia D. Adauto, Deputy CAO
Building & Planning Services

Oscar Gonzalez
Neighborhood Initiatives Liaison